

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.707 of 2021

Periyasamy

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Pennagaram Police Station
Dharmapuri District
Crime No.1172 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1172 of 2020 pending on the file of the respondent.

For Petitioners : Mr.M.Selvam

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Section 379 of I.P.C. r/w Section 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 183 of Motor Vehicles Act in Crime No.1172 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant, the Special Sub-Inspector of Police, on secret information, conducted a raid and on search, found that the petitioner said to have transported 1 unit of sand in a Tractor without having valid license and on seeing the police, the driver ran away from the scene of occurrence. Hence, the present complaint has been registered against the petitioner and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that the petitioner has taken the sand for the purpose of filling up a pit near his house and the water was stagnated, which is not for commercial purpose. He would submit that he is an innocent person and he is no way connected with the alleged offence made out in the complaint. He would also submit that he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the

4. The learned Additional Public Prosecutor would submit that the petitioner is having three previous criminal cases against him similar in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that as the petitioner is having bad antecedents having previous cases similar in nature, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI.

CC to M/S M.SELVAM Advocate on payment of necessary charges

CRL OP.707/2021

Date :21/01/2021

RVR 04/02/2021